

PROB-12C(d)  
(03/06)

July 28, 2008

UNITED STATES DISTRICT COURT  
FOR THE  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 AUG -7 AM 8:15

Petition for Warrant or Summons for Offender Under Supervision  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

by:

Cfe

Name of Offender: Eleazar FELIX-Olivas (Spanish)

Dkt No.: 07-CR-02994-001-JLS

Reg. No.: 90176-198

Name of Sentencing Judicial Officer: The Honorable Janis L. Sammartino, U.S. District Judge

Date of Sentence: November 30, 2007

Original Offense: 18 U.S.C. §, 1001, False Statement to a Federal Officer, a Class D felony

Sentence: 6 months' custody; 3 years' supervised release. (*Special Conditions: Search; no firearms; if deported not reenter the United States. Supervision waived upon deportation.*)

Type of Supervision: Supervised Release

Date Supervision Commenced: March 31, 2008

Asst. U.S. Atty.: Aaron B. Clark

Defense Counsel: Carey D. Gorden, Fed. Def's., Inc.  
(Appointed)  
(619) 234-8467

Prior Violation History: None.

---

PETITIONING THE COURT

TO ISSUE A NO-BAIL BENCH WARRANT

PROB.12C(d)

Name of Offender: Eleazar FELIX-Olivas

July 28, 2008

Docket No.: 07-CR-02994-001-JLS

Page 2

The probation officer believes that the offender has violated the following condition(s) of supervision:

**CONDITION(S)****ALLEGATION(S) OF NONCOMPLIANCE****(Mandatory Condition)**

Not commit another federal, state, or local crime. (nv1)

1. On or about May 2, 2008, Mr. Felix-Olivas, a previously deported alien, was found in the United States in violation of 8 U.S.C. § 1326, as evidenced by his conviction in U.S. District Court, Southern District of California, Docket No. 08-CR-01781-001-W.

**(Special Condition)**

If deported, or returned to Mexico, not reenter the United States illegally and report to the probation officer within 24 hours of any reentry to the United States. (nv35)

2. On or about May 2, 2008, Mr. Felix-Olivas, a previously deported alien, was found in the United States, as evidenced by his conviction in U.S. District Court, Southern District of California, Docket No. 08-CR-01781-001-W.

**Grounds for Revocation:** As to allegations 1 and 2, I received and reviewed the complaint (with probable cause statement) and information, which confirmed the following: On the above date, U.S. Border Patrol agents were monitoring southbound foot-traffic going into Mexico at the San Ysidro, California Port of Entry. The agents observed an Hispanic male, later identified as Mr. Felix-Olivas, walking south towards the southbound pedestrian gate approximately 50 yards north of the United States/Mexico International Border, and approximately 50 yards west of the San Ysidro Port of Entry. Mr. Felix-Olivas was acting in a suspicious manner, and as he neared the inspecting agents he began walking faster. When the U.S. Border Patrol agents approached Mr. Felix-Olivas, and questioned him as to his citizenship and nationality, Mr. Felix-Olivas admitted to being a citizen of Mexico, illegally in the United States.

Records revealed that Mr. Felix-Olivas was last deported from the United States on April 1, 2008.

On June 3, 2008, an information was filed in the U.S. District Court, Southern District of California, Docket No. 08-CR-01781-001-W, charging Mr. Felix-Olivas with a violation of 18 U.S.C. § 1001, False Statement to a Federal Officer. On June 23, 2008, Mr. Felix-Olivas pled guilty as charged, and was sentenced to a period of 10 months' confinement with 3 years of supervised release to follow.

PROB 12C(d)

Name of Offender: Eleazar FELIX-Olivas

July 28, 2008

Docket No.: 07-CR-02994-001-JLS

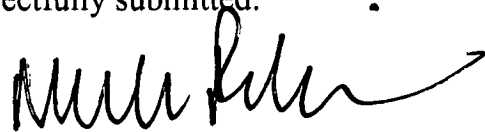
Page 3

**U.S. Probation Officer Recommendation:** If found in violation, that supervised release be revoked and the offender be sentenced to 12 months' custody, consecutive to any sentence he may be serving, pursuant to USSG §7B1.3(f), p.s. (An Expanded Violation Worksheet, 12CW(d), has been attached for the Court's review.)

**I declare under penalty of perjury that the foregoing is true and correct.**

**Executed on: July 28, 2008**

Respectfully submitted:



Mark R. Reinhardt

Supervising U.S. Probation Officer

Attachments

/pjk

PROB 12C(d)

Name of Offender: Eleazar FELIX-Olivas

July 28, 2008

Docket No.: 07-CR-02994-001-JLS

Page 4

**THE COURT ORDERS:**

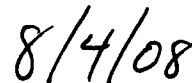
✓ A NO-BAIL BENCH WARRANT BE ISSUED BASED UPON A FINDING OF PROBABLE CAUSE TO BRING THE OFFENDER BEFORE THE COURT TO SHOW CAUSE WHY SUPERVISED RELEASE SHOULD NOT BE REVOKED FOR THE ALLEGED VIOLATIONS.

(Currently detained at CCA, Central Arizona Detention Facility, Florance, Arizona, under Registration No. 90176-198)

Other \_\_\_\_\_



The Honorable Janis L. Sammartino  
U.S. District Judge



Date

## EXPANDED VIOLATION WORKSHEET

1. **Defendant:** FELIX-Olivas, Eleazar
2. **Docket No. (Year-Sequence-Defendant No.):** 07-CR-02994-001-JLS

3. **List Each Violation and Determine the Applicable Grade (See USSG § 7B1.1):**

<u>Violation(s)</u>	<u>Grade</u>
<u>Deported Alien Found in the United States</u>	<u>B</u>

4. **Most Serious Grade of Violation (See USSG § 7B1.1(b))** [B]

5. **Criminal History Category (See USSG § 7B1.4(a))** [II]

6. **Statutory Maximum Term (Custody) (See 18 U.S.C. § 3583(e)(3))**  
 Upon finding of a violation, the court may modify the conditions of supervision; extend the term if less than the maximum authorized term was previously imposed); or revoke the term of supervised release. If the court revokes supervised release, the maximum term of imprisonment upon revocation is: [24 months]

7. **Range of Imprisonment (Custody) (See USSG § 7B1.4(a))**  
 A Grade B violation with a Criminal History Category II establishes an imprisonment range of: [6-12 months]

8. **Statutory Maximum Term (Supervised Release) (See 18 U.S.C. § 3583(b))**  
 If supervised release is revoked and the offender is required to serve a term of imprisonment, the court can reimpose supervised release upon release from custody. The length of such a term shall not exceed the term of supervised release authorized by statute for the offense that resulted in the original term of supervised release, less any term of imprisonment imposed upon revocation. In this case, the court has the authority to reimpose a term of: [36 months]

9. **Recommendation:** [12 months' custody, consecutive to any other sentence being served. See USSG § 7B1.3(f)-w/ no supervised release to follow]



July 28, 2008  
Date